



Practitioner's Docket No. 56816-RCE (70868)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Jun Akiyama  
Application No.: 10/029,363                      Group No.: 2653  
Filed: December 20, 2001                      Examiner: Huber, Paul W.  
For: OPTICAL DISK APPARATUS AND METHOD FOR ADJUSTING OPTICAL  
DISK APPARATUS LASER POWER

**Mail Stop: 3139(c)**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATE OF HAND DELIVERY**

I hereby certify that this correspondence is being hand delivered to the Office of Petitions, 600 Dulany Street, Madison West Building, Alexandria, VA 22313 on March 30, 2005.

R. H. Mitchell  
(type or print name of person mailing paper)  
R. H. Mitchell  
Signature of person mailing paper

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (*check appropriate item(s) below*):

- i.     ☐     Prior to abandonment of the application
- ii.    ☒     Payment of the issue fee
  - ☐     Prior to payment of issue fee
  - ☒     Issue fee has been paid but a petition under Section 1.313(c) is being filed concurrently herewith.
- iii.   ☐     Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐     A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv.    ☐     Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145

03/31/2005 JADD01 00000085 041105 10029363

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(Request for Continued Examination (RCE))--page 1 of 5

- ☐ Commencement of a civil action under 35 U.S.C. 146  
☐ Prior to the filing of such appeal or commencement of civil action  
☐ Such appeal or commencement of civil action has been terminated

### ENCLOSURES

3. Enclosed herewith is/are:

- ☒ An information disclosure (37 C.F.R. Section 1.98)  
☒ Form PTO-1449 (PTO/SB/08A and 08B)  
☐ An amendment  
☐ New arguments  
☐ New evidence in support of patentability-  
☐ Other:

### FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$395.00  
☒ Other than a small entity \$790.00

Continued Prosecution Request Fee \$ 790.00

### FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)						(Col. 2)		(Col. 3) SMALL ENTITY		OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment			Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee	
Total	10	Minus	20	= 0	x \$ 9	\$0			x \$18 =	\$	
Indep.	3	Minus	3	=0	x \$44 =	\$0			x \$88 =	\$	
[ ] First Presentation of Multiple Dependent Claim					+ \$150 = \$0				+ \$300 = \$		
										Total Addit. Fee	\$

*(complete (c) or (d), as applicable)*

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$ \_\_\_\_\_.

### EXTENSION OF TIME

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for</u> <u>(months)</u>	<u>Fee for</u> <u>small entity</u>	<u>Fee for other</u> <u>than small entity</u>
<input type="checkbox"/> one month	\$ 60.00	\$ 120.00
<input type="checkbox"/> two months	\$ 225.00	\$ 450.00
<input type="checkbox"/> three months	\$ 510.00	\$ 1,020.00
<input type="checkbox"/> four months	\$795.00	\$ 1,590.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ month has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

(b) ☒ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE(S) DUE

**WARNING:** The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e)) \$ 790.00

Fee(s) for additional claims (if any) (Section 1.16(b)-(d)) \$ \_\_\_\_\_

Extension of time fee (if any) (Section 1.17(a)(1)-(4)) \$ \_\_\_\_\_

Total Fee(s) Due: \$ 790.00

### PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

☐ Check is attached for the sum of \$ \_\_\_\_\_

☒ Charge Account 04-1105 the sum of \$ 790.00

☐ Charge Credit Card the sum of \$ \_\_\_\_\_  
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

☒ Account 04-1105.

☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

### INVENTORSHIP

9. This application as amended names as inventors:

☒ the same inventors as previously designated for the claims.

☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48  
is/has separately:  
☐ being filed  
☐ been filed

Date: March 29, 2005

David A. Tucker  
SIGNATURE OF PRACTITIONER

Reg. No. 27,840

David A. Tucker  
(type or print name of practitioner)  
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